

REMARKS

Claims 5-8, 12, 14, 20, 22, 24-39, 42, 44-48, 50, 70-76, 78-86, 89-91, 93, 96-99, 114, 117, 119 and 122 are currently pending in this application. Claims 5, 14, 34, 71 and 119 have been amended herein (Claims 34 and 71 have been amended to correct typographical errors.).

In the Office Action dated March 31, 2003, the Examiner rejected Claims 5, 12, 14, 22 and 119 under 35 U.S.C. § 102(b) as anticipated by ES 2100821 (ES '821). According to the Examiner, "ES '821 teaches a composition comprising 88.92% water, 10% self-emulsifiable oil/water base (emulsifying agent), 0.01% or 100 ppm cinnamon oil (contains cinnamic aldehyde), and 0.01% of dill (carrot vegetable oil)." However, ES '821 is a skin tonic; nowhere is there any teaching or suggestion in ES '821 of a composition for repelling or killing insects, fungi, nematodes and bacteria, or that the skin tonic composition can be adapted to kill insects, fungi, nematodes and bacteria, as presently recited in amended Claims 5, 14 and 119. Without such disclosure, ES '821 cannot anticipate Claims 5, 14 and 119. Claim 12 depends from Claim 119 and incorporates all of its limitations; Claim 22 depends from Claim 5 and incorporates all of its limitations. Accordingly, applicants' claims 5, 12, 14, 22 and 119 are patentably distinct from ES '821.

The Examiner has next rejected Claims 5, 14 and 22 under 35 U.S.C. § 103(a) as obvious over JP 01040056 (JP '056). As noted by the examiner, "JP '056 teaches a deodorant comprising essential oils selected from limonene, pinene, and cineole plus an emulsifying agent (anionic or nonionic surfactant)." In order for JP '056 to render applicants' claims obvious, there must be some teaching or suggestion to modify JP '056 to arrive at applicants' claims. As noted by the Examiner, JP '056 is a deodorant; nowhere is there any teaching or suggestion in JP '056 of a composition for repelling or killing insects, fungi, nematodes and bacteria, and that the deodorant composition can be adapted to kill insects, fungi, nematodes and bacteria, as presently recited in amended Claims 5 and 14. Claim 22 depends from Claim 5 and thus incorporates all of its limitations. Without a teaching or suggestion that its composition may be utilized to repel or kill insects, fungi, nematodes and bacteria, JP '056 cannot render applicants' claims obvious.

The Examiner had objected to Claims 6-8 and 122 as being dependent on a rejected base claim (the Examiner has confirmed that the reference to claim 112 at page 3 of the Office Action

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was in error, as claim 112 has been cancelled). Claims 6-8 and 122 depend (directly or indirectly) from Claim 5 and thus incorporate all of its limitations. As Claim 5 should be allowable for the reasons noted above, Claims 6-8 and 122 are similarly patentable.

Finally, applicants' note with appreciation the Examiner's allowance of Claims 20, 24-39, 42, 44-48, 50, 70-76, 78-86, 89-91, 93, 96-99, 114 and 117.

It is believed that the claims of the application as now presented, i.e., claims 5-8, 12, 14, 20, 22, 24-39, 42, 44-48, 50, 70-76, 78-86, 89-91, 93, 96-99, 114, 117, 119 and 122, are patentably distinct over the art of record and are in condition for allowance. In the event that the examiner believes that a telephone conference or a personal interview may facilitate resolution of any remaining matters, the undersigned may be contacted at the number indicated below.

In view of the foregoing amendment and remarks, early and favorable reconsideration of this application is respectfully requested.

Respectfully submitted,



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